

Application No.: 09/577,071  
Attorney Docket No. 99-852

### **REMARKS**

By this Amendment, Applicants propose canceling claims 16-33 without prejudice or disclaimer of the subject matter thereof. Upon entry of this amendment, claims 1-15 will remain pending in this application.

In the Advisory Action mailed January 19, 2005, the Examiner indicated that Applicants arguments had overcome the rejection of claims 1-15 under 35 U.S.C. §§ 102(e) and 103(a) made in the Final Office Action mailed October 5, 2004, and that claims 16-33 remained rejected. The Examiner also indicated that claims 1-15 were subject to a rejection under the judicially created doctrine of double patenting over claims 1-17 of U.S. Patent No. 6,766,368.

During a telephone interview initiated by the Examiner, Applicants' representative discussed these issues. Applicants' representative indicated that in reply to the Advisory Action, Applicants would, in an effort to expedite prosecution in this case, cancel claims 16-33 and file a terminal disclaimer.

Although Applicants disagree with the Examiner's double patenting rejection, Applicants file concurrently herewith a Terminal Disclaimer disclaiming the term of any patent issuing from this application extending beyond the term of U.S. Patent No. 6,766,368, thereby overcoming the Examiner's double patenting rejection.

Since claims 16-33 are proposed to be canceled, removing the remaining rejections in this case, Applicants respectfully request that the Examiner enter this Amendment under 37 C.F.R. § 1.116, placing claims 1-15 in condition for allowance.

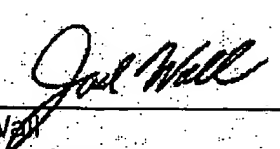
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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2347.

Respectfully submitted,

Dated: February 7, 2005

By: \_\_\_\_\_

  
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